

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application and for indicating that claim 5 contains allowable subject matter.

Information Disclosure Statement

Applicants respectfully request the Examiner acknowledge and consider the references cited in the IDS filed herewith.

Disposition of Claims

Claims 1-10 and 37-38 are pending in the application. Claims 7 and 8 are cancelled by this reply. New claim 39 is added by this reply. Claim 1 is independent. The remaining claims depend, directly or indirectly, from Claim 1.

Claim Amendments

Claims 1-6, 9, 10, and 37-38 are amended in this reply. Claim 1 is amended to clarify the scope of the invention. No new matter is added by these amendments as support for the amendments may be found, for example, in figure 4, 5A, 5B, and 5C as well as in paragraphs [0068]-[0073] of the application. Further, claims 1 and 2 are amended to clarify that the invention has a positive application. Claim 2 is also amended to correct a typographical error. Claim 5 is amended to clarify antecedent basis. Claim 6 is amended to include limitations of cancelled claim 7 and to clarify the scope of the invention. Claim 10 is amended for consistency with the amendments to claim 1. In addition, the preamble of claims 2-6, 9, 10, and 37-38 are amended for consistency with the amendments to the preamble of claim 1. None of the aforementioned amendments are made to overcome any art cited by the Examiner.

Specification Amendments

Paragraphs [0001]-[0006] and [0054] of the specification are replaced and the amended paragraphs insert the serial numbers and the attorney docket numbers of the U.S. patent applications referenced in these paragraphs.

Objection to Drawings

The drawings are objected to because Figure 1 should be designated by a legend such as "Prior Art." Figure 1 is amended to include a legend to designate the figure as prior art. Accordingly, withdrawal of this objection is requested. Applicants respectfully request that the Examiner indicate all drawings are accepted in the next office action.

Rejections under 35 U.S.C. § 101

Claims 1 and 2 of the present application stand rejected under U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that the claimed recitation is of an intended use rather than a positive application. Claim 1 is amended to recite, in part, "a plurality of adapter peers ... *communicating data changes*, each adapter peer communicating with other adapter peers in a peer-to-peer fashion" and a "first join engine peer configured to *communicate with adapter peers ... and process data.*" Claim 2 is amended to recite, in part, "the first join engine peer also *generates queries* for data." Thus, claim 1 and claim 2, as amended, recite a positive application. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1, 6, 7, 8, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,007,041 ("Multer"). Claims 7 and 8 are canceled by this reply, so the

rejection is moot as to those claims. To the extent the rejection applies to the remaining claims, the rejection is respectfully traversed.

The following is one basis for the Applicants' arguments in response to the rejection under 35 U.S.C. § 102(b): "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); *see* MPEP § 2131. (emphasis added). Further, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); *see* MPEP § 2131. The Applicants respectfully assert that Multer does not expressly or inherently describe each and every element of independent claim 1.

Amended independent claim 1 recites, in part, a system comprising: (i) "a plurality of adapter peers ..., each adapter peer *communicating* with other adapter peers *in a peer-to-peer fashion*;" and (ii) "a first plurality of communication channels for broadcasting the data changes ..., *each communication channel* of the first plurality of communication channels *associated with a particular data type*." (Emphasis added.)

The Examiner asserts that Multer teaches "each adaptor peer communicating with other adapter peers in a peer-to-peer fashion." *See* Office Action mailed November 2, 2006 at page 3. The Applicants respectfully disagree. Specifically, the Examiner asserts that Figure 1 of Multer discloses the recited limitation. *See* Office Action mailed December 13, 2005 at page 3. Figure 1 of Multer merely depicts two connected systems. One of ordinary skill in the art would know that a peer-to-peer system is one that allows for communication between (a) numerous interconnected peers (b) organized in a distributed system (c) without the use of a centralized server. *See, e.g.,* Todd Sundsted, *The practice of peer-to-peer computing: Introduction and history* (2001), a copy of which is attached for your convenience. Said another way, a simple

depiction of two connected computers as in Figure 1 of Multer is insufficient to disclose peer-to-peer communication. The figure does not depict many of the necessary requirements for a peer-to-peer system. For example, Multer is completely silent regarding the absolutely required infrastructure for sharing information between numerous peers without the use of a centralized server.

Furthermore, there is no disclosure of communication channels associated with a particular data type as described in amended independent claim 1. In particular, Multer is completely silent with respect to channels associated with particular *data types*. Rather, Multer teaches that communication channels are dedicated to particular *devices*, which transmit all data types from a particular device. *See* Multer, Figure 8, Col. 11, lines 10-25, Figure 3, and Col. 6, lines 53-67.

In view of the above, Multer fails to disclose all the limitations of amended independent claim 1. Accordingly, independent claim 1 is patentable over Multer. Further, dependent claims 6, 9, and 10 are patentable over Multer for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." *See* MPEP § 2143.03. Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." *See* MPEP § 2143.03.

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer in view of U.S. Patent No. 7,117,264 ("Becker"). This rejection is respectfully traversed.

As discussed above, Multer fails to teach or suggest all the claim limitations of amended independent claim 1. Further, Becker does not teach that which Multer lacks as is evidenced by the fact that Becker is only relied upon to teach the limitations of broadcasting information to and from the join engine peer. *See* Office Action mailed November 2, 2006 at pages 5-6.

In view of the above, neither Multer nor Becker, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Thus, amended independent claim 1 is patentable over Multer and Becker. Claims 2 and 3 depend from claim 1 and, thus, are patentable for at least the same reasons as claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer in view of U.S. Patent No. 7,117,264 (“Becker”) and further in view of Official Notice. This rejection is respectfully traversed.

As an initial matter, to the extent that the Examiner is relying on personal knowledge in taking Official Notice, Applicants respectfully request that the Examiner provide an affidavit of personal knowledge, pursuant to 37 C.F.R. § 1.104(d)(2). Alternatively, Applicants request that the Examiner cite appropriate prior art disclosing the noticed limitations.

As discussed above, Multer fails to teach or suggest all the claim limitations of amended independent claim 1. Further, Becker does not teach that which Multer lacks as is evidenced by the fact that Becker is only relied upon to teach the limitations of broadcasting information to and from the join engine peer. *See* Office Action mailed November 2, 2006 at pages 5-6. Further, the Examiner’s Official Notice does not provide what Multer and Becker lack as the Official Notice only recites generating queries in response to data changes. *See* Office Action mailed November 2, 2006 at page 7.

In view of the above, Multer, Becker, and the Examiner's Official Notice, whether considered separately or in combination, do not teach or suggest all the limitations of amended independent claim 1. Thus, amended independent claim 1 is patentable over Multer, Becker and the Official Notice. Claim 4 depends from claim 1 and, thus, is patentable for at least the same reasons as claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer in view of Official Notice. This rejection is respectfully traversed.

As an initial matter, to the extent that the Examiner is relying on personal knowledge in taking Official Notice, Applicants respectfully request that the Examiner provide an affidavit of personal knowledge, pursuant to 37 C.F.R. § 1.104(d)(2). Alternatively, Applicants request that the Examiner cite appropriate prior art disclosing the noticed limitations.

As discussed above, Multer fails to teach or suggest all the claim limitations of amended independent claim 1. Further, the Examiner's Official Notice does not provide what Multer lacks as the Official Notice only recites partitioning of join peers. *See* Office Action mailed November 2, 2006 at page 7.

In view of the above, neither Multer nor the Examiner's Official Notice, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Thus, amended independent claim 1 is patentable over Multer and the Official Notice. Claims 37 and 38 depend from claim 1 and, thus, are patentable for at least the same reasons as claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

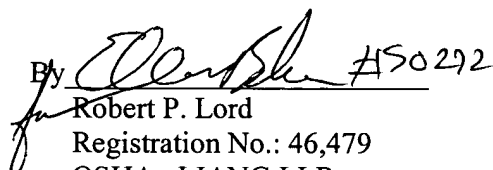
Claim 39 is added by this reply. New claim 39 depends from amended independent claim 1 and, thus, is patentable for at least the same reasons. Accordingly, favorable action is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/515001; SUN030015).

Dated: March 2, 2007

Respectfully submitted,

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Attachments:

Article entitled "The Practice of Peer-to-peer Computing: Introduction and History"
Replacement Drawing

208755_5

AMENDMENTS TO THE DRAWINGS

Please amend Figure 1 as shown in the enclosed replacement sheet.